

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

COURTNEY MCMILLIAN, et al.,

Plaintiffs,

v.

ELON MUSK, et al.,

Defendants.

Case No. [23-cv-03461-TLT](#)

**ORDER RE PLAINTIFFS’  
ADMINISTRATIVE MOTION TO  
SEAL**

Re: Dkt. No. 87

Upon consideration of ECF No. 87 (Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Material Should be Sealed) filed on May 15, 2024, it is hereby ORDERED that Plaintiffs’ letter, ECF No. 87–1, not be filed under seal. Civil Local Rule 79-5 sets forth the local rules for filing documents under seal in civil cases. A motion for filing under seal requires: “(1) A specific statement of the applicable legal standard and the reasons for keeping a document under seal, including an explanation of: (i) the legitimate private or public interests that warrant sealing; (ii) the injury that will result if sealing is denied; and (iii) why a less restrictive alternative to sealing is not sufficient; (2) evidentiary support from declarations where necessary; and (3) a proposed order that is narrowly tailored to seal only the sealable material, and which lists in table format each document or portion thereof that is sought to be sealed.”

Neither the Administrative Motion (ECF No. 87) nor the Declaration of Kate Muetting (ECF No. 87-2) filed in support of the Administrative Motion provide sufficient basis for the Court to grant the request to seal Exhibit A to the Administrative Motion. The Administrative Motion states that there was another letter relating to the joint letter that Defendants wanted to be filed under seal, so that is why Plaintiffs are making this request. *See* ECF No. 87, at 2-3. The Declaration filed in support of that Administrative Motion further states: “Defendants requested that the [April 9, 2024]

1 letter be filed under seal,” and that Exhibit A to Plaintiffs’ Administrative Motion (ECF No. 87-1  
2 filed under seal and dated May 15, 2024) is being sought to be sealed “out of an abundance of  
3 caution.” However, Defendants oppose Plaintiffs’ request to seal. *See* ECF No. 88  
4 (Opposition/Response (re ECF No. 87) Administrative Motion to Consider Whether another Party’s  
5 Material Should Be Sealed).

6 Given the above, the Court lacks the requisite evidence and sufficient basis to grant  
7 Plaintiff’s Administrative Motion. *See e.g.* Civil Local Rule 79-5. The Court therefore DENIES  
8 the motion. **This Order resolves ECF No. 87.**

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10 IT IS SO ORDERED.

11 Dated: May 28, 2024

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13 TRINA L. THOMPSON  
14 United States District Judge  
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